

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:20-CV-00504-FDW-DSC

CPI SECURITY SYSTEMS, INC.,
Plaintiff and Counterclaim Defendant,
vs.
VIVINT SMART HOME, INC., f/k/a
Mosaic Acquisition Corp.; and
LEGACY VIVINT SMART HOME, INC.,
f/k/a Vivint Smart Home, Inc.,
Defendants and Counterclaimants.

VIDEOCONFERENCE
AND VIDEOTAPED

DEPOSITION OF: LAURA WARD
DATE: Tuesday, July 20, 2021
TIME: 3:19 p.m.
LOCATION: Springhill Suites by Marriott Sumter
2645 Broad Street
Sumter, South Carolina 29150
TAKEN BY: Attorney for Plaintiff/
Counterclaim Defendant
CPI Security Systems, Inc.
REPORTED BY: Ann C. Makris, Court Reporter

Job No. CS4699399

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES OF COUNSEL: 2 ATTORNEY FOR PLAINTIFF AND COUNTERCLAIM DEFENDANT: 3 4 SHOOK, HARDY & BACON, L.L.P. BY: Charles C. Eblen 2555 Grand Boulevard 5 Kansas City, Missouri 64108-2613 (816) 474-6550 6 ceblen@shb.com 7 ATTORNEYS FOR DEFENDANTS AND COUNTERCLAIMANTS: 8 9 GREENBERG TRAURIG, P.A. BY: GREGORY W. HERBERT 450 South Orange Avenue, Suite 650 10 Orlando, Florida 32801 herbert@gtlaw.com 11 (407) 420-1000 12 IN ATTENDANCE: Rodney Myers, Videographer Veritext 13 Alan Metts, Laptop Tech 14 15 16 17 18 19 20 21 22 23 24 25 (INDEX AT REAR OF TRANSCRIPT)</p>	<p style="text-align: right;">Page 4</p> <p>1 Counsel and all present in the room and 2 everyone attending remotely will now state their 3 appearances and affiliations for the record. If 4 there are any objections to proceeding, please 5 state them at the time of your appearance, 6 beginning with the noticing attorney. 7 MR. EBLEN: Yes. This is Charlie Eblen 8 for the plaintiff, CPI Security. 9 MR. HERBERT: And good afternoon, this is 10 Gregory Herbert for the defendant Vivint and I 11 believe my paralegal, Paula Castro, may be on. 12 Paula, are you on? I guess not. 13 Just me. 14 VIDEOGRAPHER: All right. Will the court 15 reporter please now swear in the witness and then 16 we may proceed. 17 COURT REPORTER: Okay. Ms. Ward, if you 18 would raise your right hand to be sworn, please. 19 Do you swear or affirm to tell the truth, the whole 20 truth, and nothing but the truth? 21 THE WITNESS: Yes. 22 COURT REPORTER: Thank you. 23 (The witness, after having been advised of her 24 right to read and sign this transcript, does not 25 waive that right.)</p>
<p style="text-align: right;">Page 3</p> <p>1 VIDEOGRAPHER: Okay. Good afternoon. We 2 are going on the record now at 3:19 p.m. on July 3 20th, 2021. Please note that the microphones are 4 sensitive and may pick up whispering, private 5 conversations, and cellular interference. Please 6 turn off all cell phones and place them away from 7 the microphones as they can interfere with the 8 deposition audio. Audio and video recording will 9 continue to take place unless all parties agree to 10 go off the record. 11 This is Media Unit 1 in the 12 video-recorded deposition of Laura Ward taken by 13 counsel for Plaintiff in the matter of CPI Security 14 Systems, Inc., vs. Vivint Smart Home, Incorporated, 15 filed in the United States District Court for the 16 Western District of North Carolina, Charlotte 17 Division. The case number is 320-cv-00504-FDW-DSC. 18 This deposition is being held via Zoom 19 located online. My name is Rodney Myers from the 20 firm Veritext, and I am the videographer. The 21 court reporter is Ann Makris from the firm 22 Veritext. 23 I'm not authorized to administer an oath. 24 I am not related to any party in this action, nor 25 am I financially interested in the outcome.</p>	<p style="text-align: right;">Page 5</p> <p>1 LAURA WARD, 2 being first duly sworn, testified as follows: 3 EXAMINATION 4 BY MR. EBLEN: 5 Q. Hello. Good afternoon, Ms. Ward. Can you 6 hear me okay? 7 A. Yes, sir. 8 Q. All right. If you can't hear me or we get 9 interrupted by technology, would you just let me know 10 and I'll speak up or re-ask the question to you? 11 A. Okay. 12 Q. Would you please introduce yourself? 13 A. Laura Ward. 14 Q. Where do you live, Ms. Ward? 15 A. 825 Gray Fox Trail in Sumter, South 16 Carolina. 17 Q. How long have you lived at that address? 18 A. Since 1991. 19 Q. And do you live with anyone else at that 20 address? 21 A. No. 22 Q. Do you have family? 23 A. Yes. 24 Q. Tell us a little bit about your family? 25 A. Well, I have a brother that lives in</p>

<p style="text-align: right;">Page 6</p> <p>1 Utica, Mississippi, and I have a sister that lives in 2 Mountain Home, Texas, and sister-in-law and nieces live 3 in New Braunfels, Texas, and other nieces and nephews 4 that live in Madison, Mississippi, and let's see what 5 else? That's about it. 6 Q. All right. I'll ask a little bit more 7 about your background. What's your birthday? 8 A. [REDACTED] 1952. 9 Q. And give me a little bit about your 10 educational background? 11 A. I spent 22 years in the military after 12 graduating from high school, some college courses, and 13 then I started to work for South Carolina Department of 14 Corrections after I retired from the military and worked 15 there for 15 years. Then, I had surgery and had to 16 retire. 17 Q. In what branch of the military did you 18 serve? 19 A. U.S. Air Force. 20 Q. And what rank did you reach in the Air 21 Force? 22 A. E-5. 23 Q. And then when you went to work for the 24 South Carolina Department of Corrections, what position 25 did you hold there?</p>	<p style="text-align: right;">Page 8</p> <p>1 A. I can't really remember when I started, 2 but it was at least, I -- I guess -- I'd guess about 3 three or four years maybe. That's a -- a guess -- a 4 guesstimate. 5 Q. As of June 2020, were you pleased with 6 CPI? 7 A. Yes. 8 Q. Were you in any way looking to switch 9 alarm providers? 10 A. No. 11 Q. Do you have a "no solicitation" sign at 12 your home? 13 A. Yes, sir; I do. 14 Q. Do you expect people to pay attention that 15 sign? 16 MR. HERBERT: Object to the form. I'm -- 17 I'm sorry, Ms. Ward. I -- if you'll just give me one 18 second. I need to make some objections for the record. 19 I object to the form. It's vague as to the time frame, 20 among other objections. 21 A. Well, I thought they would. 22 BY MR. EBLIN: 23 Q. All right. In June of 2020 -- and if you 24 need to -- I -- I should -- I'll stop here for just as a 25 second.</p>
<p style="text-align: right;">Page 7</p> <p>1 A. I was a correctional officer. 2 Q. Any -- any particular rank? 3 A. That was my rank. That's the lowest rank. 4 Q. Got you. And then you said you had a back 5 injury or something? 6 A. No, I had colostomy surgery. 7 Q. Okay. And are you currently retired? 8 A. Yes, sir. I had to retire because of 9 surgery. 10 Q. All right. Well, as you know, this case 11 that we've asked you to testify about involves a company 12 named Vivint. Are you familiar with the name of that 13 company? 14 A. I wasn't until -- until they came to my 15 house. 16 Q. And did you have a -- a positive business 17 experience with Vivint? 18 MR. HERBERT: Object to the form. 19 A. No. 20 BY MR. EBLIN: 21 Q. All right. So, as I understand it, prior 22 to June of 2020, what company provided alarm security 23 services at your house? 24 A. CPI. 25 Q. How long at that point had you used CPI?</p>	<p style="text-align: right;">Page 9</p> <p>1 Mr. Herbert is right. He's going to 2 object from time to time so that will break the 3 questioning a little bit, but when he makes an 4 objection, you can still go ahead and answer the 5 question, okay, and -- and also I should tell you -- 6 yeah, I see you have some water there. For any reason 7 you need to take a break, just let us know. 8 A. Okay. 9 Q. This is by no means an endurance context, 10 so if you just want to take a break for whatever reason, 11 just speak up, okay? 12 A. Okay. 13 Q. All right. So let's pick back up. In 14 June of 2020, did you have a no solicitation sign at 15 your house? 16 A. Yes, sir; on my door, my outside door. 17 What do you call it, the glass -- 18 Q. Storm door? 19 A. Storm door. Yes. Thank you. 20 Q. And why did you have that sign on your 21 storm door? 22 A. Because we -- we get a lot of solicitors 23 come through the neighborhood, and I just -- I even had 24 one made and I was going to put it in the yard but that 25 particular day, that was -- that was on the door, and he</p>

<p style="text-align: right;">Page 10</p> <p>1 did see the sign because he -- he -- he stressed that he</p> <p>2 -- he didn't -- he -- he wasn't a solicitor.</p> <p>3 Q. All right. All right. So you started</p> <p>4 saying that you said "he." Let's focus in on sometime</p> <p>5 in late June of 2020, did someone who you now understand</p> <p>6 worked for Vivint approached your home?</p> <p>7 MR. HERBERT: Object to the form; leading.</p> <p>8 A. Correct.</p> <p>9 BY MR. EBLEN:</p> <p>10 Q. In two-thousand -- in June of 2020, did</p> <p>11 anyone from an alarm company come to your door?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And who do you now understand or -- or let</p> <p>14 me ask that differently.</p> <p>15 From what company do you now understand</p> <p>16 the gentleman who approached your door in June of 2020</p> <p>17 worked?</p> <p>18 A. Vivint.</p> <p>19 Q. When he approached -- well, describe what</p> <p>20 happened when that gentleman approached your house in</p> <p>21 June of 2020.</p> <p>22 MR. HERBERT: We object to the form.</p> <p>23 A. Do you want me to answer that?</p> <p>24 Q. Yes, please.</p> <p>25 A. Well, he showed up in my yard and rung my</p>	<p style="text-align: right;">Page 12</p> <p>1 -- was working for the company taking over your CPI</p> <p>2 alarm account?</p> <p>3 A. Yes.</p> <p>4 MR. HERBERT: Object to the form.</p> <p>5 BY MR. EBLEN:</p> <p>6 Q. And why did you believe that?</p> <p>7 A. Well, he sounded convincing. You know, he</p> <p>8 -- he basically just sounded convincing.</p> <p>9 Q. And did he tell you that directly in -- in</p> <p>10 those exact words?</p> <p>11 MR. HERBERT: Object to the form.</p> <p>12 A. Exact words that they -- that Vivint was</p> <p>13 buying out CPI.</p> <p>14 Q. When someone approaches your door like</p> <p>15 that, do you expect them to be truthful with you in your</p> <p>16 home?</p> <p>17 MR. HERBERT: Object to the form.</p> <p>18 A. Yes, I do. That would be -- that would be</p> <p>19 nice.</p> <p>20 BY MR. EBLEN:</p> <p>21 Q. With everything that you've now learned</p> <p>22 and we'll go through everything that's happened since</p> <p>23 then, do you believe that the gentleman from Vivint who</p> <p>24 approached your door that day in late June of 2020 was</p> <p>25 honest with you?</p>
<p style="text-align: right;">Page 11</p> <p>1 doorbell and he -- I -- I walked -- I walked over to the</p> <p>2 window and I told him to look at the sign on my door</p> <p>3 meaning no soliciting and he basically said, "I'm not a</p> <p>4 solicitor," so I went and answered the door and he said,</p> <p>5 "I'm with Vivint and Vivint is buying out CPI and you</p> <p>6 will no longer have CPI for your security company, and I</p> <p>7 -- I guess I got scared and worried and he pretty much</p> <p>8 talked me into going with Vivint.</p> <p>9 Q. So, as -- as I understand it, he comes to</p> <p>10 the door and you -- you said you told him -- you pointed</p> <p>11 to the sticker; is that right?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Okay.</p> <p>14 A. He knew the sticker was on the door. He</p> <p>15 knew that -- the sign's about like that and he knew it</p> <p>16 was on the door and he did specify or he said, "I'm not</p> <p>17 a solicitor.</p> <p>18 Q. And then he told you that Vivint had</p> <p>19 bought out CPI?</p> <p>20 A. Correct.</p> <p>21 MR. HERBERT: Correct.</p> <p>22 A. Correct.</p> <p>23 BY MR. EBLEN:</p> <p>24 Q. So, at -- at that point in time in your</p> <p>25 mind, did you believe that the gentleman at the door was</p>	<p style="text-align: right;">Page 13</p> <p>1 A. Now, I don't -- I don't believe he was</p> <p>2 honest with me. I think he pretty much -- he just</p> <p>3 basically lied to me, yeah.</p> <p>4 Q. Did -- did you later discover the truth</p> <p>5 about whether or not Vivint had, in fact, bought out</p> <p>6 CPI?</p> <p>7 A. Yes.</p> <p>8 Q. What did you discover?</p> <p>9 A. I discovered -- well, I called up CPI and</p> <p>10 talked to one of the representatives at CPI and -- and I</p> <p>11 told -- I asked him if Vivint had bought out CPI and he</p> <p>12 said, no, that's a lie. The guy I talked to -- the</p> <p>13 representative I talked to said, no, that's a lie.</p> <p>14 MR. HERBERT: I'm --</p> <p>15 A. He said we're not selling out to Vivint.</p> <p>16 MR. HERBERT: Just note an objection for</p> <p>17 the record and for the record, I moved to strike any</p> <p>18 hearsay statement in response, and I object to the</p> <p>19 question to the extent it called for hearsay.</p> <p>20 Q. Do you know the name of the gentleman who</p> <p>21 approached your door from Vivint?</p> <p>22 A. Curtis Kuntz, K-U-N-T-Z, I -- I believe</p> <p>23 that's how you spell it.</p> <p>24 Q. Do you know what Mr. Kuntz' job title at</p> <p>25 Vivint was at the time that he approached your door?</p>

<p style="text-align: right;">Page 14</p> <p>1 A. As far as I know, he was a representative 2 for -- for Vivint, a salesperson. 3 Q. And so after -- and -- and describe what 4 happened after Mr. Kuntz told you that Vivint had bought 5 out CPI; what happened after that? 6 A. Well, they -- they came into my house -- 7 well, basically he told me -- the -- the guy who came 8 into my house took up all the equipment. Let me back 9 up. 10 Curtis said that they had -- they were 11 going around all over the neighborhood and hooking up 12 Vivint equipment and switching out from CPI to Vivint. 13 So when the guy came into my house, he 14 took -- I asked him, I said, "So how many other houses 15 have you done," and he said, "You are our first one," 16 and this is like 2 o'clock in the afternoon and, anyway, 17 they had to put new holes in my house. From -- from 18 where CPI had holes, they put new holes in my house. 19 They took down the CPI camera and cut the wires, so I 20 couldn't even use the camera that I'd paid CPI something 21 like a hundred -- I think \$150 for. I couldn't use the 22 camera no more because they cut it up and some of the 23 wiring, they -- in the house, they messed up a little 24 bit, and it was just a nightmare with those people, a 25 nightmare.</p>	<p style="text-align: right;">Page 16</p> <p>1 interrupt, Ms. Ward. Let me just get my objection on 2 the record and proper foundation. Calls for a 3 hypothetical and speculation. 4 BY MR. EBLEN: 5 Q. If Mr. Kuntz had been honest about his 6 intentions when he approached your door, would you have 7 listened to his sales pitch? 8 A. No. 9 MR. HERBERT: Same objection. 10 BY MR. EBLEN: 11 Q. Would you have let him in your home? 12 A. No. 13 Q. And -- 14 A. He didn't come in my house anyway. I 15 wouldn't let him in. 16 Q. Would -- 17 A. They were out -- they stayed outside the 18 whole time. I wouldn't let him in my -- he wanted to 19 come in my house, but I told -- I told him, no, you 20 going to have to do this on the outside, so no -- no, 21 the answer to that question, no. 22 Q. Did you have any intention of changing 23 alarm providers the day that Mr. Kuntz -- 24 A. No. 25 Q. All right. So we're at the point you've</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. It sounds like Mr. Kuntz also told you 2 that Vivint had changed out a bunch of CPI customers in 3 your neighborhood, and did I hear that? 4 A. Yes, he -- 5 MR. HERBERT: Object to the form. 6 BY MR. EBLEN: 7 Q. And did you find out whether or not that 8 was true? 9 A. No, I didn't. The only thing the -- the 10 guy that was in my house hooking up the equipment told 11 me, but the -- the monitoring box that CPI had put up, 12 Vivant took down and they even broke that. They even 13 broke that, so when CPI came in to re-hook up all my 14 equipment, they had to put in all brand new stuff. I 15 couldn't even reuse my original CPI stuff. 16 Q. All right. So to back up a little bit. 17 At the point in time when Mr. Kuntz approaches your door 18 with a no solicitation sign, had he been honest from the 19 get-go and said I'm a competitor here, I want to try to 20 sell you a better alarm system, would you even have 21 listened to his sales pitch? 22 MR. HERBERT: Let me object to the form of 23 the question. 24 A. No. 25 MR. HERBERT: Pardon. I'm sorry to</p>	<p style="text-align: right;">Page 17</p> <p>1 describe pretty much all of your old equipment. What 2 happened to it? 3 A. It was -- he -- they tore it up. When -- 4 when he took -- when he unhooked the CPI equipment and 5 hooked up the Vivint equipment, it was a -- pretty much 6 a -- the same exact monitor that -- that they -- they 7 had in my house, he -- he broke it. He -- and the -- 8 when the guy came out to -- the CPI guy came out to put 9 in my -- put -- re-hook back up my equipment, he 10 couldn't use it. They had to throw it away. 11 Q. All right. Fast-forwarding a little bit - 12 - well, actually, let -- let me -- I'm -- I'm going to 13 go ahead and show you a document on the screen in front 14 of you, so just give me a second here. 15 (PLF/DFT. EXH. 1, System Purchase Service 16 Agreement, 6/26/2020, marked for identification) 17 Q. Okay. Can you see that document okay? 18 A. Oh, yeah. I can't read it, but I can see 19 it. 20 Q. All right. We'll treat this as Exhibit 1. 21 Do you see the top left-hand corner of the document? 22 Does it say "Vivint" in the upper left-hand corner? 23 A. Yes. 24 Q. And I'll -- I'll blow it up a little bit 25 so we can see it a little bit better.</p>

<p style="text-align: right;">Page 18</p> <p>1 A. No -- that'll help.</p> <p>2 Q. And so I've moved the document a little</p> <p>3 bit. Do you see your name --</p> <p>4 A. Yes.</p> <p>5 Q. -- in the video.</p> <p>6 A. Yes, uh-huh.</p> <p>7 Q. And is that your phone number, email</p> <p>8 address and home address?</p> <p>9 A. (technical interruption)</p> <p>10 Q. And do you see that this -- do you -- can</p> <p>11 you read the date of this contract?</p> <p>12 A. 26th of June --</p> <p>13 Q. Two-thousand - -</p> <p>14 A. -- of 2020.</p> <p>15 Q. Does that sound right to you as far as the</p> <p>16 time frame of when --</p> <p>17 A. That's the time -- that's the date I wrote</p> <p>18 down when they hooked up my equipment so, yes, I would</p> <p>19 -- I would say that's the correct date.</p> <p>20 Q. Was that the same day that Mr. Kuntz</p> <p>21 knocked on your door?</p> <p>22 A. That's the same day he knocked on my door</p> <p>23 and that's the same day they hooked up all the</p> <p>24 equipment.</p> <p>25 Q. And then I'm scrolling down and in it</p>	<p style="text-align: right;">Page 20</p> <p>1 describing, was the \$24.00 plus the \$1.48, was that all</p> <p>2 that you were paying per month to Vivint?</p> <p>3 A. No. I was paying close to about fifty-</p> <p>4 something dollars altogether.</p> <p>5 Q. Was that more or less than your CPI</p> <p>6 contract?</p> <p>7 A. That was less, but I'd rather pay more and</p> <p>8 have CPI.</p> <p>9 Q. Did -- and the time that you entered into</p> <p>10 the agreement with Vivint, did they disclose to you that</p> <p>11 you were taking out a loan with a bank?</p> <p>12 A. If they did, I don't remember. I don't</p> <p>13 remember --</p> <p>14 Q. Do you --</p> <p>15 A. -- them telling me that.</p> <p>16 Q. Do you remember. Mr. Kuntz describing to</p> <p>17 you that you would be taking out a loan with a bank?</p> <p>18 MR. HERBERT: Object to the form. Asked</p> <p>19 and answered.</p> <p>20 THE WITNESS: What did -- what did he say?</p> <p>21 MR. HERBERT: Yes, ma'am. Object to the</p> <p>22 form. The question was already asked and you -- you</p> <p>23 answered it.</p> <p>24 BY MR. EBLEN:</p> <p>25 Q. Did -- and I'll ask it again. Did Mr.</p>
<p style="text-align: right;">Page 19</p> <p>1 looks like Field 2.1 there and do you -- do you see</p> <p>2 where there's the charges associated with your alarm</p> <p>3 system?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And it -- it says that it's a 60-month</p> <p>6 contract; is that right?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And --</p> <p>9 A. Well, 16-month -- where's that at? Oh,</p> <p>10 60-month, yes.</p> <p>11 Q. And what did you understand about -- it --</p> <p>12 it looks like there's a monthly service fee, do you see</p> <p>13 that --</p> <p>14 A. Yes, sir.</p> <p>15 Q. -- on the 24th?</p> <p>16 Was that -- was that the only amount you</p> <p>17 were paying monthly to Vivint?</p> <p>18 A. No. I was -- I -- altogether, I was</p> <p>19 paying about fifty-something dollars because they had</p> <p>20 one charge going through a bank and then I was paying</p> <p>21 Vivint another amount of money. So I think I was paying</p> <p>22 Vivint, I think it was, \$42 and then I was paying</p> <p>23 another to the bank -- or one of the to the bank I was</p> <p>24 paying thirteen-dollars and something. I can't --</p> <p>25 Q. So as I'm understanding what you're</p>	<p style="text-align: right;">Page 21</p> <p>1 Kuntz ever tell you, specifically, that you would be</p> <p>2 taking out a loan from a bank to pay for your Vivint</p> <p>3 alarm system?</p> <p>4 A. If he -- if he did --</p> <p>5 MR. HERBRT: The same objection.</p> <p>6 A. If he did, I don't -- I don't remember. I</p> <p>7 mean, he could have, but I don't -- I don't remember.</p> <p>8 That day was a very, very hot day and I was -- I -- I</p> <p>9 don't remember. I just don't remember.</p> <p>10 Q. Did you have any discussion with Mr. Kuntz</p> <p>11 or anyone from Vivint about whether or not a hard credit</p> <p>12 check would be run in order for you to obtain your</p> <p>13 Vivint alarm system?</p> <p>14 A. That, I don't remember either. I'm -- I'm</p> <p>15 thinking they did, but I don't remember.</p> <p>16 Q. All right. And I'm scrolling down to the</p> <p>17 bottom of this page. Do you see the name, "Curtis</p> <p>18 Kuntz?"</p> <p>19 A. Correct.</p> <p>20 Q. And is that the name that you recall as</p> <p>21 the Vivint salesman?</p> <p>22 A. Oh, yes.</p> <p>23 Q. And then -- whoops, I made that little</p> <p>24 again -- and then over on the right is your name with,</p> <p>25 it looks like, an electronic signature --</p>

<p style="text-align: right;">Page 22</p> <p>1 A. Yes, sir.</p> <p>2 Q. -- (technical interruption)?</p> <p>3 A. Yes, sir.</p> <p>4 Q. When you executed this document that we'll</p> <p>5 call Exhibit 1, the Vivint Contract, did you do that,</p> <p>6 like, on a tablet or some sort of a computer device?</p> <p>7 A. To be honest, I never got this form that</p> <p>8 you're showing me now. I never got that phone, but I</p> <p>9 have a little bitty teeny-weeny piece of paper form and</p> <p>10 the -- the one -- the form before this one, I -- I never</p> <p>11 got that form.</p> <p>12 Q. So the document that we've just been</p> <p>13 discussing, is that a document that you ever saw before</p> <p>14 today?</p> <p>15 A. I must have because apparently my</p> <p>16 signature is there so but....</p> <p>17 Q. Did you place the signature on this</p> <p>18 document or did Mr. Kuntz?</p> <p>19 MR. HERBERT: Object to the form.</p> <p>20 A. I think I did sign that.</p> <p>21 BY MR. EBLLEN:</p> <p>22 Q. Do you recall on what format he signed it,</p> <p>23 whether it was a computer or a -- like a tablet,</p> <p>24 something like that?</p> <p>25 A. I think -- I think he had a tablet, a -- a</p>	<p style="text-align: right;">Page 24</p> <p>1 -- Vivint and I said, "Hey, I want to cancel out of this</p> <p>2 contract. I'm within my time period," and they said,</p> <p>3 "No, you can't -- you can't -- you're too late, you</p> <p>4 can't do it." So they wouldn't let me -- they -- the</p> <p>5 guy wouldn't let me cancel out. But what I think he did</p> <p>6 do, he -- on the -- that \$24 a month, I think he lowered</p> <p>7 the payment or something. Something -- he lowered the</p> <p>8 payment or something. I'm trying to remember, but I</p> <p>9 think he lowered the payment, and so I went on for,</p> <p>10 what, I can't remember how long, and then I called -- I</p> <p>11 guess the following week, I talked to CPI and then CPI -</p> <p>12 - that's when I found out CPI said that Vivint had not</p> <p>13 bought out CPI.</p> <p>14 MR. HERBERT: And, I'm sorry to interrupt,</p> <p>15 but let me interpose an objection and move to strike as</p> <p>16 (indiscernible) not responsive to the question, but go</p> <p>17 ahead.</p> <p>18 BY MR. EBLLEN:</p> <p>19 Q. So we'll -- we'll break this down a little</p> <p>20 bit. You described what you would call within a couple</p> <p>21 of days, you reached out to Vivint --</p> <p>22 A. Right.</p> <p>23 Q. -- is that right?</p> <p>24 A. Well, part of the -- part of the time</p> <p>25 period that I had to cancel was over the weekend, over a</p>
<p style="text-align: right;">Page 23</p> <p>1 metal thing with -- with the form on it. I think that's</p> <p>2 what he had.</p> <p>3 Q. What did you understand about your right</p> <p>4 to cancel this contract?</p> <p>5 A. On the -- on the form I have, it says I</p> <p>6 have three days and I called within two days, and they</p> <p>7 told me I couldn't but, apparently, from CPI, Shelley,</p> <p>8 told me that I had -- I think she said I had 30 days,</p> <p>9 but I had called within two days and they told me I</p> <p>10 could not cancel. I'd have to pay the three-three or</p> <p>11 twenty-four hundred dollars to get out of it.</p> <p>12 Q. Okay. So let's stop right there. We've</p> <p>13 gone through the contract. At -- at what point in time</p> <p>14 did you realize that you -- in agreeing to this Vivint</p> <p>15 contract did you realize that Vivint and CPI were still</p> <p>16 separate companies?</p> <p>17 A. I didn't. I -- I hadn't -- found that out</p> <p>18 yet. I just called within two days because I didn't</p> <p>19 like Vivint. I didn't like the company. I didn't like</p> <p>20 the videos. I didn't like anything about the company.</p> <p>21 It just -- every -- every -- the video clips, you</p> <p>22 couldn't delete. In one certain part on my cellphone,</p> <p>23 you couldn't delete them and it was just -- you know,</p> <p>24 they just kept clocking up and clocking up and clocking</p> <p>25 up and I couldn't delete them, and so I called up Vivint</p>	<p style="text-align: right;">Page 25</p> <p>1 Saturday and a Sunday, which Vivint is not open. So I</p> <p>2 had to -- you know, when I called that -- I think it was</p> <p>3 that following Monday, that's when they told me I</p> <p>4 couldn't -- I couldn't get out of the contract.</p> <p>5 Q. Right. And at the time that you spoke to</p> <p>6 Vivint, as I understood your testimony, did you still</p> <p>7 think that Vivint had bought out CPI?</p> <p>8 MR. HERBERT: Object to the form.</p> <p>9 A. No.</p> <p>10 MR. HERBERT: Object to the form.</p> <p>11 A. No.</p> <p>12 BY MR. EBLLEN:</p> <p>13 Q. When did you realize that -- that --</p> <p>14 A. Well, let me back up. Let me -- I</p> <p>15 misunderstood that question.</p> <p>16 Q. Sure.</p> <p>17 A. Yes, I did think that until I talked to</p> <p>18 the CPI guy, the person -- the representatives at CPI,</p> <p>19 up until that point, I did think that Vivint had bought</p> <p>20 out CPI, and I didn't -- I didn't know the whole truth</p> <p>21 until I talked to the -- the representative at CPI.</p> <p>22 Q. Okay. So your first call with Vivint, did</p> <p>23 you have any success canceling your contract?</p> <p>24 A. No.</p> <p>25 Q. All right. And so then you called CPI.</p>

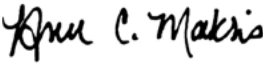
<p style="text-align: right;">Page 26</p> <p>1 Do you know what day you called CPI?</p> <p>2 A. It was probably around -- it was that</p> <p>3 following Monday after the -- after the -- I think I</p> <p>4 signed the contract on the 26th, so I think it was that</p> <p>5 following Monday.</p> <p>6 Q. And tell us what you learned from your</p> <p>7 call with CPI?</p> <p>8 A. That they did not sell out to Vivint.</p> <p>9 Q. All right. And -- and --</p> <p>10 A. And that --</p> <p>11 Q. -- at that point -- did you want to keep</p> <p>12 your Vivint contract at that point?</p> <p>13 A. No, I did not. I mean, I did not. I was</p> <p>14 -- I was crying. I was upset. I was talking to the CPI</p> <p>15 guy, and I was just really upset because I -- I said I</p> <p>16 can't -- I thought to myself, I cannot afford 23-2400 to</p> <p>17 get out of this contract, and I did not want to stay in</p> <p>18 that contract. I wanted out of that contract, because I</p> <p>19 realized they -- you know, they had told me so many lies</p> <p>20 that, you know, I just -- I just wanted out of the</p> <p>21 contract.</p> <p>22 Q. What steps did you take from there to try</p> <p>23 to get out of the Vivint contract?</p> <p>24 A. On, talking to CPI lots of times, calling</p> <p>25 Vivint up and the problem is, is when you call Vivint</p>	<p style="text-align: right;">Page 28</p> <p>1 It was like -- they were -- they were</p> <p>2 nice. Everybody was nice. I didn't have a problem in</p> <p>3 that area, but it was like, you know, you -- you're</p> <p>4 talking to them, but the speaker's not on, you know, so</p> <p>5 to speak, you know.</p> <p>6 Q. Did you feel sort of like you were getting</p> <p>7 the runaround?</p> <p>8 MR. HERBERT: Object to the form.</p> <p>9 A. Oh, yes, definitely, the run around. I</p> <p>10 mean, they -- they -- that's -- that's -- I think that's</p> <p>11 the game they play with you. They send you around and</p> <p>12 around in a circle and hoping you'd just get tired of</p> <p>13 fooling with them and, you know, won't call them no</p> <p>14 more, and I just had a Hell of a -- a heck of a time</p> <p>15 trying to -- trying to deal with them.</p> <p>16 Q. How many times would you estimate you</p> <p>17 called Vivint trying to get --</p> <p>18 A. At --</p> <p>19 Q. -- contact?</p> <p>20 A. At least -- I don't know, at least three</p> <p>21 or four times a week.</p> <p>22 Q. Four how many weeks?</p> <p>23 A. Three months. Three months.</p> <p>24 Q. So maybe 30 to 40 times, just kind of</p> <p>25 running some loose math?</p>
<p style="text-align: right;">Page 27</p> <p>1 up, if -- if they do answer the phone, they put you on</p> <p>2 hold and you -- you know, then -- well, they answer the</p> <p>3 phone and then you tell them your problem, and then they</p> <p>4 put you on hold and you wait on hold forever and ever</p> <p>5 and a day, and it just -- it was just -- it was just a</p> <p>6 long process to try -- just to try to get through. I</p> <p>7 mean, I was on the phone with Vivint or trying to get on</p> <p>8 the phone with Vivint just about every day and, at one</p> <p>9 point, you'd -- I'd call and they'd put me on hold and</p> <p>10 they'd play this loud music, and then the music would</p> <p>11 drop down, and then they'd play loud music again, the</p> <p>12 music would lower and, finally, you just hang up the</p> <p>13 phone because you got aggravated. You'd get aggravated,</p> <p>14 and it was just a long, hard process to try to get out</p> <p>15 of the contract.</p> <p>16 Q. And when you did finally get a hold of</p> <p>17 somebody on the phone from Vivint, were they helpful in</p> <p>18 trying to help you get out of the --</p> <p>19 A. Well, they seemed to be helpful. They --</p> <p>20 they -- they -- the -- they -- they listened to me and,</p> <p>21 you know, the -- but then they'd turn around and put me</p> <p>22 on hold, and the somebody else would get on the phone,</p> <p>23 and I'd have to tell them the same thing I just told the</p> <p>24 other person, and it was just a -- a long process to try</p> <p>25 to just to get through and get through to those people.</p>	<p style="text-align: right;">Page 29</p> <p>1 A. Mm-hmm. Yeah. I don't -- I don't have a</p> <p>2 calculator on me but, yes, about -- I'd say about that</p> <p>3 time, you know, about that much or it may be more, you</p> <p>4 know.</p> <p>5 Q. How much time would you estimate between</p> <p>6 talking to CPI and Vivint to try to rectify this whole</p> <p>7 situation? How much time do you think you spent on</p> <p>8 that?</p> <p>9 A. Well, between CPI -- Vivint and CPI, CPI</p> <p>10 was -- was really trying to help me, and they put me</p> <p>11 through to a guy by the name of David, and David hooked</p> <p>12 me up with a girl by the -- a lady by the name of</p> <p>13 Shelley and between CPI office and mostly David and</p> <p>14 Shelley, I was able to -- to get everything swapped back</p> <p>15 to CPI, but it took -- I think it took almost three to</p> <p>16 four months before I could really get back to CPI.</p> <p>17 Q. And --</p> <p>18 A. It was a long, hard road.</p> <p>19 Q. Yeah. In total, how much time -- you</p> <p>20 know, and I know this is probably a rough estimate. But</p> <p>21 if you'd give a rough estimate between all of your calls</p> <p>22 to Vivint and all of your calls to CPI and any other</p> <p>23 effort that you put into trying to get back to where you</p> <p>24 were before Mr. Kuntz showed up, how much time do you</p> <p>25 think you spent?</p>

<p style="text-align: right;">Page 30</p> <p>1 MR. HERBERT: Object to the form.</p> <p>2 A. Before Mr. Kuntz showed up?</p> <p>3 Q. Yeah. No, I'm saying -- you -- you</p> <p>4 basically -- as I understand it -- well, let me ask this</p> <p>5 question: Did you eventually get a CPI system</p> <p>6 reinstalled?</p> <p>7 A. Yes.</p> <p>8 Q. And when did that --</p> <p>9 A. Reinstalled. Reinstalled.</p> <p>10 Q. Yeah. When, to the best of your</p> <p>11 recollection in 2020 did you have a CPI system</p> <p>12 reinstalled?</p> <p>13 A. I think it was close to the end of the</p> <p>14 year, I think. I'm trying to remember. I -- I can't --</p> <p>15 Q. If -- if we have a contract that -- that's</p> <p>16 from September 23rd, 2000, does that sound about right</p> <p>17 to you?</p> <p>18 MR. HERBERT: Object to the form.</p> <p>19 A. Yes, that's -- that sounds about right.</p> <p>20 Q. So from the time -- and -- and what I'm</p> <p>21 asking is, from the time that Mr. Kuntz showed up at</p> <p>22 your door and you ended up with a Vivint system until</p> <p>23 the time you went back to CPI, if you had to put an</p> <p>24 estimate on it, between all of the phone calls at CPI,</p> <p>25 Vivint, and other efforts you may have made, how much</p>	<p style="text-align: right;">Page 32</p> <p>1 still missing about 40-50 bucks, but I was so happy to</p> <p>2 get relieved out of Vivint contract that the 40-50 bucks</p> <p>3 didn't matter, you know, so.</p> <p>4 Q. Going back to the day that Mr. Kuntz came</p> <p>5 to your home, did you have to take like a video survey</p> <p>6 that asked you a series of questions on his iPad after</p> <p>7 the installation took place?</p> <p>8 A. I don't remember if I did that or -- I</p> <p>9 don't remember if I did or not.</p> <p>10 Q. And if --</p> <p>11 A. There was --</p> <p>12 Q. Go ahead.</p> <p>13 A. I -- I was just saying I don't -- I don't</p> <p>14 remember if I did or not. I -- I could have. I just --</p> <p>15 I -- I don't really remember.</p> <p>16 Q. At any point in time after Mr. Kuntz came</p> <p>17 to your house when you were attempting to get out of the</p> <p>18 Vivint contract, did you have any more communications</p> <p>19 with Mr. Kuntz?</p> <p>20 A. No. No, I didn't. As a matter of fact, I</p> <p>21 tried to call him after -- you know, after he left my</p> <p>22 house a day or two later, and I tried to call him</p> <p>23 numerous of times and the phone -- he -- he wouldn't</p> <p>24 answer the phone.</p> <p>25 Q. Do you view Mr. Kuntz as being an honest</p>
<p style="text-align: right;">Page 31</p> <p>1 time did it take you to get back to having a CPI system</p> <p>2 in your home?</p> <p>3 MR. HERBERT: Object to the form.</p> <p>4 A. Approximately, four months. As far as</p> <p>5 times goes, the actual time, I just know it was a long</p> <p>6 time. It took me a long time to get back to CPI, and it</p> <p>7 was very, very upsetting because their system is --</p> <p>8 wasn't like CPI's system and I mean, I could -- I could</p> <p>9 understand CPI's system. I didn't have an issue with</p> <p>10 CPI's system, but Vivint's system was -- it wasn't</p> <p>11 necessarily complicated. It was kind of going from an</p> <p>12 old newspaper -- an new newspaper to an old newspaper --</p> <p>13 newspaper. I mean, it was -- you going from a new</p> <p>14 system to an old system, and I just wanted CPI back. I</p> <p>15 didn't want to be with Vivint anymore.</p> <p>16 Q. Did Vivint refund your --</p> <p>17 MR. HERBERT: Objection. I'm sorry. Let</p> <p>18 me just interpose an objection and motion to strike the</p> <p>19 portions of the response that were not responsive to the</p> <p>20 question that was posed.</p> <p>21 BY MR. EBLIN:</p> <p>22 Q. Did Vivint refund the money that you had</p> <p>23 paid to it?</p> <p>24 A. I don't know if they refunded all my</p> <p>25 money, but I got the majority of it back. I think I'm</p>	<p style="text-align: right;">Page 33</p> <p>1 salesperson?</p> <p>2 A. Now, I don't. Now -- Now, that I -- I --</p> <p>3 I definitely believe he was totally dishonest to me and</p> <p>4 lied one lie after another.</p> <p>5 Q. If I told you that at the time your</p> <p>6 transaction with Vivint occurred Mr. Kuntz -- he wasn't</p> <p>7 just a sales representative, he was a sales manager who</p> <p>8 also recruits and trains other salespeople, what would</p> <p>9 your reaction to that be?</p> <p>10 MR. HERBERT: Object to the form. It</p> <p>11 calls for speculation and is a hypothetical.</p> <p>12 A. A joke.</p> <p>13 BY MR. EBLIN:</p> <p>14 Q. And why is that?</p> <p>15 MR. HERBERT: The same objection.</p> <p>16 A. Because a manager shouldn't come to</p> <p>17 someone's house and flat-out tell lies like that and --</p> <p>18 and, you know, con people into something that he knows</p> <p>19 is not true. I mean, to me --</p> <p>20 Q. Would you --</p> <p>21 A. -- a manager is --</p> <p>22 Q. Would you trust --</p> <p>23 A. -- a manager is supposed to be -- it's --</p> <p>24 you -- you're supposed to be honest.</p> <p>25 Q. Would you trust him to train other Vivint</p>

<p style="text-align: right;">Page 34</p> <p>1 salespeople to be honest to customers?</p> <p>2 A. I wouldn't --</p> <p>3 MR. HERBERT: Object to the form, calls</p> <p>4 for foundation, hypothetical, speculation.</p> <p>5 A. I wouldn't trust him to feed my dog, if I</p> <p>6 had a dog.</p> <p>7 Q. Personally, for you, how was the</p> <p>8 experience dealing with Mr. Kuntz and then everything</p> <p>9 else that you went through to get back to your CPI</p> <p>10 system?</p> <p>11 MR. HERBERT: Object to the form; vague,</p> <p>12 calls for a narrative, and asked and answered.</p> <p>13 A. Not a good experience and one I don't want</p> <p>14 to ever have to have again, especially with Mr. Kuntz --</p> <p>15 Mr. Curtis, and I'd love to see him in person to tell</p> <p>16 him that.</p> <p>17 MR. EBLEN: I believe, Ms. Ward, that's</p> <p>18 all the questions that I have for you right now. Thank</p> <p>19 you.</p> <p>20 THE WITNESS: Okay. Thank you.</p> <p>21 EXAMINATION</p> <p>22 BY MR. HERBERT:</p> <p>23 Q. And, good afternoon, Ms. ward. My name is</p> <p>24 Greg Herbert, and I would have just a couple of quick</p> <p>25 follow-up questions for you. One thing that Mr. Eblen</p>	<p style="text-align: right;">Page 36</p> <p>1 isn't something that is inherently dishonest by itself?</p> <p>2 If that was the only thing that -- that -- that happens,</p> <p>3 you wouldn't necessarily have complained of that, is it</p> <p>4 -- would you?</p> <p>5 A. If I put a no soliciting sign on my door,</p> <p>6 I expect the person coming to my door trying to sell me</p> <p>7 something would respect that I do have a no soliciting</p> <p>8 sign on my door and they will turn around and walk away</p> <p>9 and leave my yard.</p> <p>10 Q. I understand that. And, Ms. Ward, will</p> <p>11 you -- will you surprised to learn that CPI sales</p> <p>12 representatives also solicit customers who have a no</p> <p>13 solicitation signs on the door in the yard?</p> <p>14 MR. EBLEN: Object to the form and</p> <p>15 foundation.</p> <p>16 A. I don't know what CPI does or don't do.</p> <p>17 The only thing I know is what Vivint did and that was</p> <p>18 totally dishonest what he -- you know, whether he saw my</p> <p>19 sign or not, it was totally dishonest for him to come to</p> <p>20 my door and tell me a lie, pointblank, out, you know. I</p> <p>21 don't know where -- where he got the audacity to show up</p> <p>22 at my door and tell me a lie like that.</p> <p>23 Q. Ms. Ward, well, I need to just ask you one</p> <p>24 -- another question about something you testified about.</p> <p>25 You -- you testified that -- I believe you testified</p>
<p style="text-align: right;">Page 35</p> <p>1 asked you about was that -- he asked you about your "No</p> <p>2 Solicitors" sign on the door. Let me ask you that.</p> <p>3 Despite that sign and by pointing it out to the sales</p> <p>4 representative you were just discussing, you did</p> <p>5 continue to -- to speak with the Vivint sales</p> <p>6 representative and then, ultimately enter a contract;</p> <p>7 that's correct, isn't it?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And is it your opinion that any sales</p> <p>10 representatives that, you know, do knock on the door,</p> <p>11 even though there is a no solicitation sign, that that</p> <p>12 is something that is improper or dishonest by itself?</p> <p>13 A. Could you repeat that, please?</p> <p>14 Q. Oh, I was saying is -- is it -- based on</p> <p>15 your testimony, is it your opinion that simply the act</p> <p>16 of knock -- for a sales representative to knock on</p> <p>17 somebody's door and ask to speak with them, despite the</p> <p>18 fact that there is a no solicitor sign on the door, is</p> <p>19 -- is that something that you view as, by itself,</p> <p>20 dishonest?</p> <p>21 A. Well, I would assume that if you see a no</p> <p>22 soliciting sign on someone's door, you will turn around</p> <p>23 and walk away and not keep knocking and ringing --</p> <p>24 knocking on the door and ringing the doorbell.</p> <p>25 Q. All right. But -- but that by itself</p>	<p style="text-align: right;">Page 37</p> <p>1 after you signed the contract with Vivint that the</p> <p>2 Vivint rep came in and -- and -- and broke your -- your</p> <p>3 former CPI equipment in your house.</p> <p>4 A. That's correct.</p> <p>5 Q. Now, that was equipment that under the</p> <p>6 contract you signed was to be replaced with the new</p> <p>7 Vivint equipment, in any event, right, based on the</p> <p>8 contract you signed? You understood that, right?</p> <p>9 A. No, I didn't understand that. I -- I --</p> <p>10 you know, when he took my CPI equipment off or -- I --</p> <p>11 off the wall of -- in my house, I didn't expect him to</p> <p>12 break it and when he took my camera down from the --</p> <p>13 from the outside of my house, I didn't expect him to cut</p> <p>14 the wires so I couldn't use the camera anymore. I</p> <p>15 didn't know he did that until Vivint, I mean, the CPI</p> <p>16 guy that came to -- he was going to re-hook back up the</p> <p>17 same camera and he says, "I can't do this because it's</p> <p>18 -- they've cut the wires.</p> <p>19 Q. All right. Well, let me ask you,</p> <p>20 ultimately, CPI replaced that equipment that the Vivint</p> <p>21 helpers installed in -- in your home, equipment?</p> <p>22 A. Yes. They -- they put in their equipment,</p> <p>23 Vivint equipment. Vivint monitoring box, which is</p> <p>24 basically the same thing CPI was/is and the camera is</p> <p>25 pretty much the same camera, but I paid an additional --</p>

<p style="text-align: right;">Page 38</p> <p>1 up and above my contract with CPI, I paid an additional</p> <p>2 I think it was a \$150 for the -- for the camera that was</p> <p>3 on the outside of my house that Vivint tore up, cut the</p> <p>4 wires on it. I couldn't use it anymore. That was --</p> <p>5 that was my camera. It wasn't CPI camera, it was my</p> <p>6 camera.</p> <p>7 Q. (indiscernible crosstalk)</p> <p>8 A. I paid for it.</p> <p>9 Q. My -- my question -- my question was</p> <p>10 actually, ultimately, once you -- once you reinstated</p> <p>11 your service with CPI or Vivint, they -- they -- they</p> <p>12 came in and installed all new equipment so that you got</p> <p>13 all equipment that you were satisfied with from CPI is</p> <p>14 that --</p> <p>15 A. Right. But I wouldn't have had to -- they</p> <p>16 wouldn't have had to replace the camera if Vivint hadn't</p> <p>17 have tore up the camera.</p> <p>18 Q. Okay. I understand.</p> <p>19 Let me change gears a little bit and ask</p> <p>20 you about something that Mr. Eblen asked you about</p> <p>21 earlier and that was a survey, a video survey that you</p> <p>22 were asked to take at the -- prior to the installation</p> <p>23 of the -- the Vivint equipment. When Mr. -- and Mr.</p> <p>24 Eblen asked you if you -- if you remembered taking a --</p> <p>25 a video survey or if the Vivint sales representative</p>	<p style="text-align: right;">Page 40</p> <p>1 today, it sounds like you -- you can't remember one way</p> <p>2 or another whether you said that, would that refresh</p> <p>3 your recollection if I just represented that to you?</p> <p>4 MR. EBLLEN: Object to form and foundation.</p> <p>5 It assumes facts. You may answer.</p> <p>6 BY MR. HERBERT:</p> <p>7 Q. I can rephrase the question. It wasn't</p> <p>8 probably not all that clear, and I apologize.</p> <p>9 My question is if I represented to you</p> <p>10 that you -- you did take a -- a video survey</p> <p>11 administered by the -- by the Vivint sales rep --</p> <p>12 A. I don't remember a video. I definitely do</p> <p>13 not remember a video. Now, I -- I could have, but I</p> <p>14 don't remember no video.</p> <p>15 Q. Right. And you might have only seen a</p> <p>16 tablet and -- and have been -- been asked questions that</p> <p>17 you responded to. You might not have seen the video</p> <p>18 camera or seen yourself on video, but you were asked</p> <p>19 questions at the time of your interaction with the</p> <p>20 Vivint sales rep presented and you answered several of</p> <p>21 those questions and what I -- what I -- we can -- we can</p> <p>22 play a clip from the video here in a minute, but I</p> <p>23 wanted to say -- ask you does it refresh your</p> <p>24 recollection if I represent to you that one of the</p> <p>25 questions in that video survey was whether you</p>
<p style="text-align: right;">Page 39</p> <p>1 administered a video survey, and I believe you testified</p> <p>2 that you don't -- you don't remember specifically; is</p> <p>3 that right?</p> <p>4 A. No, sir. I -- I could have, but I really</p> <p>5 don't remember. I'm -- I'm sorry. I don't remember.</p> <p>6 Q. No. No problem at all. I -- I -- I</p> <p>7 understand. Now, he referred to it as a video survey,</p> <p>8 so it might be a little bit difficult to understand. I</p> <p>9 think that you remember the Vivint sales representative</p> <p>10 showing you something on his tablet or his device where</p> <p>11 they asked you like a series of question and it said,</p> <p>12 you know, there was a -- a microphone icon and it asked</p> <p>13 you to tap that and you were asked certain questions and</p> <p>14 then you answered them. Does that sound familiar or</p> <p>15 does that refresh your memory?</p> <p>16 A. It -- it could -- I -- to tell you the</p> <p>17 truth, I just don't remember.</p> <p>18 Q. Okay.</p> <p>19 A. I mean, it was a long day that day.</p> <p>20 Q. I -- I understand.</p> <p>21 A. A long, hot day.</p> <p>22 Q. I understand. If I represented to you</p> <p>23 that that survey -- you did take that survey and in that</p> <p>24 survey you did indicate that you understood that Vivint</p> <p>25 and CPI were not affiliated companies, as you sit here</p>	<p style="text-align: right;">Page 41</p> <p>1 understood that Vivint was not affiliated with your</p> <p>2 previous security company and -- and you answered that,</p> <p>3 yes, you understood that. So does that refresh your</p> <p>4 recollection?</p> <p>5 A. No. The only thing I know is, is whatever</p> <p>6 he told me in front of my house in front of my door that</p> <p>7 Vivint was buying out CPI and whatever he said or is</p> <p>8 written down or whatever, I know what he said. I know</p> <p>9 what Mr. Curtis said that CPI -- Vivint was buying out</p> <p>10 CPI.</p> <p>11 Q. All right. Well, let me -- I'm just going</p> <p>12 to play a little short clip for you of the video survey.</p> <p>13 I'm going to share my screen so that should appear. It</p> <p>14 might be a minute. This is the first time I've used</p> <p>15 this technology, so be patient with me because I'll wait</p> <p>16 until Charlie clears out his screen.</p> <p>17 MR. HERBERT: Do you want to stop sharing</p> <p>18 your screen, Charlie?</p> <p>19 MR. EBLLEN: Yes, sir.</p> <p>20 BY MR. HERBERT:</p> <p>21 Q. Okay. It might start playing right away</p> <p>22 or it (indiscernible) some time. Let me back up. All</p> <p>23 right. Ms. Ward, can you -- can you see the screen now.</p> <p>24 It looks like a blue blank -- like a video player with a</p> <p>25 little play button at the bottom, do you see that?</p>

<p style="text-align: right;">Page 42</p> <p>1 A. Yes, sir.</p> <p>2 Q. So I'm going to play a video and ask you</p> <p>3 to -- to look at it and tell me if you -- if you</p> <p>4 recognize the video. Okay. Give me one second.</p> <p>5 (Video clip is played for the witness.)</p> <p>6 Q. So, Ms. Ward, were you able to hear the --</p> <p>7 the audio component of that video clip?</p> <p>8 A. I thought I heard my voice, yes.</p> <p>9 Q. All right. And did you see yourself?</p> <p>10 A. No.</p> <p>11 Q. Okay. I'm sorry. Hold on one second. I</p> <p>12 guess I didn't do this right.</p> <p>13 (Video clip is played for the witness.)</p> <p>14 Q. Give me one second. Let me</p> <p>15 (indiscernible).</p> <p>16 A. Okay. I see -- I see a picture of me.</p> <p>17 Q. All right. I apologize for that. I'm</p> <p>18 going to -- I'm going to start this over and play it</p> <p>19 again. Okay. All right. So you -- you -- this -- now</p> <p>20 this is a still frame from the beginning of the clip</p> <p>21 that I want to play and you -- you can -- do you</p> <p>22 recognize that as a -- as a still frame of the -- a</p> <p>23 picture of yourself there?</p> <p>24 A. Yes, sir.</p> <p>25 Q. All right. I'm going to play it and let</p>	<p style="text-align: right;">Page 44</p> <p>1 was asked in that video clip?</p> <p>2 A. I answered the question, but I may have</p> <p>3 not answered the question knowing what I know now.</p> <p>4 Q. Okay. Hold on one second. I don't think</p> <p>5 I -- I don't think I'll have any other questions. Just</p> <p>6 give me one little break. Ms. Ward?</p> <p>7 A. Sir?</p> <p>8 Q. Yeah. Just -- just one quick follow-up</p> <p>9 question. You recall that your prior contract with CPI</p> <p>10 was also a contract for 60 months, that the term of the</p> <p>11 contract was a 60-month or five-year period?</p> <p>12 A. Probably. I -- I don't remember that</p> <p>13 either but....</p> <p>14 Q. Okay. So if I represented to you that --</p> <p>15 that the original contract you did sign with CPI back in</p> <p>16 2015 was a -- was a 60-month contract, you don't have</p> <p>17 any --</p> <p>18 A. Yeah.</p> <p>19 Q. -- reason to disagree with me, is that</p> <p>20 fair enough?</p> <p>21 A. I'm -- I'm not disagreeing with you, no.</p> <p>22 Q. Okay.</p> <p>23 MR. HERBERT: No further -- I think those</p> <p>24 are all the questions I have subject to I might have</p> <p>25 some follow-up if Mr. Eblen has any follow-up. Thank</p>
<p style="text-align: right;">Page 43</p> <p>1 me know if you can hear it, okay?</p> <p>2 (Video is played for the witness.)</p> <p>3 Q. Okay. So, Ms. Ward, did you -- did that</p> <p>4 refresh your recollection about some questions that you</p> <p>5 were asked on -- on the day of the -- you entered into</p> <p>6 the contract with Vivint?</p> <p>7 A. That kind of, sort of, was but you -- I --</p> <p>8 you're still talking a long time ago, I mean, as far as</p> <p>9 my -- my memory goes, I mean.</p> <p>10 Q. But that was -- that was you in the video,</p> <p>11 correct?</p> <p>12 A. That was me.</p> <p>13 Q. All right. And -- and you understood the</p> <p>14 question that was asked of you in that video when you</p> <p>15 answered it yes?</p> <p>16 A. Maybe I didn't understand the question</p> <p>17 because the only thing I know is Mr. Curtis told me</p> <p>18 Vivint was buying out CPI. That's the only thing I know</p> <p>19 --</p> <p>20 Q. All right.</p> <p>21 A. -- so whatever he -- he -- they -- that --</p> <p>22 that video you just showed says, it's not what Curtis</p> <p>23 said.</p> <p>24 Q. I -- I understand, but you're not --</p> <p>25 you're not disputing that you answered the question that</p>	<p style="text-align: right;">Page 45</p> <p>1 you for your time.</p> <p>2 THE WITNESS: Thank you.</p> <p>3 EXAMINATION</p> <p>4 BY MR. EBLEN:</p> <p>5 Q. Yeah. Just a couple of questions, Ms.</p> <p>6 Ward. Regardless of whatever was asked to you on that</p> <p>7 tablet survey, did you expect somebody who was coming to</p> <p>8 your door to be honest with you about whom they</p> <p>9 represent?</p> <p>10 A. Well, I would -- I would have thought so</p> <p>11 but, you know, it's like, you know, you -- you expect</p> <p>12 people to be honest but sometimes, they're not, and Mr.</p> <p>13 Curtis Kuntz was not honest with me from the get-go. I</p> <p>14 mean, there were several lies he -- he just told me and,</p> <p>15 I mean, the -- the main reason I switched over from CPI</p> <p>16 to Vivint is because he told me he was -- they were</p> <p>17 buying out CPI. That's the main -- I wouldn't have -- I</p> <p>18 wouldn't have even -- I had no interest in switching</p> <p>19 security companies until he told me that.</p> <p>20 Q. When he told you that at the time, did you</p> <p>21 trust him?</p> <p>22 A. I guess at that point I did because he --</p> <p>23 he mentioned he had a wife and he showed me a picture of</p> <p>24 his baby, his newborn -- his new baby and, you know,</p> <p>25 told me so -- showed me pictures of supposedly</p>

<p style="text-align: right;">Page 46</p> <p>1 quote/unquote his house, which was another lie. It was 2 not his house. It was a -- just a video of a house they 3 use on -- on camera and it -- yes, I probably -- I 4 probably did trust him because of what he said about his 5 wife and -- and -- and baby and -- 6 MR. HERBERT: I'm going to move to strike 7 portions of the answer that are responsive to the 8 question. 9 BY MR. EBLEN: 10 Q. After what you've described going through 11 to try and get out of the Vivint contract, do you -- do 12 you -- sitting here today, do you regret the -- the 13 trust that you placed in Mr. Kuntz? 14 A. Yes. And I was -- I was very -- very 15 upset with myself because I did trust him and I not a -- 16 the type of person -- when -- when solicitors come up to 17 my door, I pretty much point a shotgun at them and, yes, 18 I was -- I was upset with him. 19 Q. And why were you upset with yourself? 20 A. Because, I guess, I fell for his -- his 21 lies. I -- I fell for it, and I shouldn't have done. I 22 shouldn't have fell for it. I shouldn't have fell for 23 his lies. 24 Q. And how did that make you feel? 25 MR. HERBERT: Object to the form.</p>	<p style="text-align: right;">Page 48</p> <p style="text-align: center;">I N D E X</p> <p style="text-align: center;">WITNESSES</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">3 ALL WITNESSES:</td> <td style="width: 40%; text-align: right;">PAGE:</td> </tr> <tr> <td>4 LAURA WARD:</td> <td style="text-align: right;">5</td> </tr> <tr> <td>5 Examination by Mr. Eblen:</td> <td style="text-align: right;">5</td> </tr> <tr> <td>5 Examination by Mr. Herbert:</td> <td style="text-align: right;">34</td> </tr> <tr> <td>6 Examination by Mr. Eblen:</td> <td style="text-align: right;">45</td> </tr> <tr> <td>6 Certificate of Reporter:</td> <td style="text-align: right;">49</td> </tr> </table> <p style="text-align: center;">EXHIBITS</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">8 NO. DESCRIPTION</td> <td style="width: 40%; text-align: right;">PAGE:</td> </tr> <tr> <td>9 For Plaintiff/Counterclaim Defendant:</td> <td></td> </tr> <tr> <td>10 P/D-1 System Purchase Service Agreement</td> <td style="text-align: right;">17</td> </tr> <tr> <td>For Identification</td> <td></td> </tr> </table> <p style="text-align: center;">Requested Documents/Information (No requested information)</p>	3 ALL WITNESSES:	PAGE:	4 LAURA WARD:	5	5 Examination by Mr. Eblen:	5	5 Examination by Mr. Herbert:	34	6 Examination by Mr. Eblen:	45	6 Certificate of Reporter:	49	8 NO. DESCRIPTION	PAGE:	9 For Plaintiff/Counterclaim Defendant:		10 P/D-1 System Purchase Service Agreement	17	For Identification	
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10 P/D-1 System Purchase Service Agreement	17																				
For Identification																					
<p style="text-align: right;">Page 47</p> <p>1 A. Awful. I mean, awful. 2 MR. EBLEN: That's all the questions I 3 have. Thank you. 4 MR. HERBERT: No further questions. Thank 5 you for your time, Ms. Ward. 6 THE WITNESS: Thank you. 7 VIDEOGRAPHER: All right. We are off the 8 record now at 4:17 p.m. and this concludes today's 9 deposition done by Laura Ward. The total number of 10 media exhibits is one and they will be retained by 11 Veritext. 12 (The deposition concluded at 4:17 p m.) 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 49</p> <p style="text-align: center;">CERTIFICATE OF REPORTER</p> <p>1 I, Ann C. Makris, Court Reporter and Notary 2 Public for the State of South Carolina at Large, do 3 hereby certify that the foregoing transcript is a true, 4 accurate, and complete record. 5 I further certify that I am neither related to 6 nor counsel for any party to the cause pending or 7 interested in the events thereof. 8 Witness my hand, I have hereunto affixed my 9 official seal this 9th day of August, 2021 at Florence, 10 Florence County, South Carolina. 11 12 13 14 15  16 Ann C. Makris, Court Reporter 17 Notary Public for South Carolina 18 My Commission Expires: 19 October 1, 2028 20 21 22 23 24 25</p>																				

<p style="text-align: right;">Page 50</p> <p>1 Charles C. Eblen, Esq. 2 ceblen@shb.com 3 August 9th, 2021 4 RE: CPI Security Systems, Inc, v. Vivint Smart Home, Inc. 5 7/20/2021, Laura Ward (#4699399) 6 The above-referenced transcript is available for 7 review. 8 Within the applicable timeframe, the witness should 9 read the testimony to verify its accuracy. If there are 10 any changes, the witness should note those with the 11 reason, on the attached Errata Sheet. 12 The witness should sign the Acknowledgment of 13 Deponent and Errata and return to the deposing attorney. 14 Copies should be sent to all counsel, and to Veritext at 15 erratas-cs@veritext.com 16 17 Return completed errata within 30 days from 18 receipt of testimony. 19 If the witness fails to do so within the time 20 allotted, the transcript may be used as if signed. 21 22 Yours, 23 Veritext Legal Solutions 24 25</p>	<p style="text-align: right;">Page 52</p> <p>1 CPI Security Systems, Inc, v. Vivint Smart Home, Inc. 2 Laura Ward (#4699399) 3 ACKNOWLEDGEMENT OF DEPONENT 4 I, Laura Ward, do hereby declare that I 5 have read the foregoing transcript, I have made any 6 corrections, additions, or changes I deemed necessary as 7 noted above to be appended hereto, and that the same is 8 a true, correct and complete transcript of the testimony 9 given by me. 10 11 _____ 12 Laura Ward Date 13 *If notary is required 14 SUBSCRIBED AND SWORN TO BEFORE ME THIS 15 _____ DAY OF _____, 20____. 16 17 18 _____ 19 NOTARY PUBLIC 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 51</p> <p>1 CPI Security Systems, Inc, v. Vivint Smart Home, Inc. 2 Laura Ward (#4699399) 3 E R R A T A S H E E T 4 PAGE____ LINE____ CHANGE_____ 5 _____ 6 REASON_____ 7 PAGE____ LINE____ CHANGE_____ 8 _____ 9 REASON_____ 10 PAGE____ LINE____ CHANGE_____ 11 _____ 12 REASON_____ 13 PAGE____ LINE____ CHANGE_____ 14 _____ 15 REASON_____ 16 PAGE____ LINE____ CHANGE_____ 17 _____ 18 REASON_____ 19 PAGE____ LINE____ CHANGE_____ 20 _____ 21 REASON_____ 22 _____ 23 _____ 24 Laura Ward Date 25</p>	

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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